

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM HOWARD HOUSMAN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 22-1264
)	Judge Nora Barry Fischer
)	Magistrate Judge Patricia Dodge
SMART COMMUNICATION, et al.,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 26th day of October, 2023, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Patricia Dodge on October 5, 2023, (Docket No. 42), recommending that Plaintiff William Howard Housman's Amended Complaint (Docket No. 41) be dismissed, with prejudice, for failure to state a claim and that leave to amend should be denied as futile because the Amended Complaint failed to correct the deficiencies set forth in the prior Report and Recommendation which was adopted as the Opinion of the Court, (Docket Nos. 30, 31), and the Magistrate Judge having ordered that any objections were to be filed within 14 days, such that objections were due by October 19, 2023, and no objections having been filed as of the date of this Order, and upon independent review of the record and consideration of the Magistrate Judge's Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that Plaintiff's Amended Complaint [41] is DISMISSED, with prejudice;

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED; and,

FINALLY, IT IS ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/ Nora Barry Fischer

Nora Barry Fischer
Senior U.S. District Judge

cc/ecf: United States Magistrate Patricia Dodge

cc: WILLIAM HOWARD HOUSMAN
EX-0456
SCI GREENE
169 PROGRESS DRIVE
WAYNESBURG, PA 15370
(via first class mail)